

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Deputy Clerk.

F034162 In re Robert R.Fritscher on Habeas Corpus
F030825 People v. Fritscher

Cause called and argued by Kat Kozik, Esq., counsel for appellant. Christine Levin, Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F029543 People v. Galik

Cause called and argued by Charles Rothbaum, Esq., counsel for appellant and by Eric L. Christofferson, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, March 14, 2000 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Deputy Clerk.

F031468 In re the Marriage of Amelia and Donald Houchin

Cause called and argued by Edward J. Thomas, Esq., counsel for appellant and by Joel P. Schiff, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, March 15, 2000 at 1:30 P.M.

F032308 People v. Sterns

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F031192 Anderson v. Mouradick

The judgment of dismissal is reversed. Costs are awarded to appellant. Buckley,,J.

We concur: Vartabedian, Acting P.J., Thaxter, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031824 People v. Cunningham

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F032885 People v. Hembree

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F029504 Caloak Development Properties, L.P. v. City of Bakersfield

The judgment is vacated. On remand, the trial court shall enter a new judgment awarding CalOak the total sum of one dollar (\$1) as nominal damages for City's breach of the covenant of good faith and fair dealing implied in the agreements between the parties. The trial court shall thereupon determine under Code of Civil Procedure section 1033, subdivision (a), whether or not CalOak is entitled to its costs, and, if so, the amount thereof; to make such determinations, the trial court shall adopt reasonable and fair procedures and time limits, and reflect its decision and award, if any, in the judgment.

The parties shall bear their own costs on appeal. Dibiaso, Acting P.J.

We concur: Thaxter, J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031928 People v. Osborn

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F034772 Susan S. v. Superior Court of Kings County; Kings Co. Dept. of Human Services

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F031781 People v. Barela

Defendant's conviction for petty theft is reversed. In all respects, the judgment is affirmed. Vartabedian, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F032795 People v. Henderson

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F032790 People v. King, Jr.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F032714 People v. Hicks

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F032017 People v. Vizzard

Filed modification of opinion (no change in judgment). The petition for rehearing is denied. Ardaiz, P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F029131 People v. Amesquita

The judgment is affirmed. Levy, J.

We concur: Ardaiz, P. J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F030307 People v. Canales

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F034887 Edwin D. v. The Superior Court of Fresno County; Fresno County
Department of Children and Family Services**

Pursuant to the failure of petitioner to file a timely petition, the above entitled action is dismissed as an abandonment. Etc.

F029259 People v. Romero

F029259 In re Anthony A. Romero on Habeas Corpus

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F032748 Braaten v. Wal-Mart Stores, Inc.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.